



# TEXAS FORENSIC SCIENCE COMMISSION

*Justice Through Science*

*1700 North Congress Ave., Suite 445  
Austin, Texas 78701*

## TEXAS FORENSIC SCIENCE COMMISSION LAB DISCLOSURE FORM

*Please complete this form and return to:*

Texas Forensic Science Commission  
1700 North Congress Avenue, Suite 445  
Austin, Texas 78701  
Email: [info@fsc.texas.gov](mailto:info@fsc.texas.gov)  
**[P]** 1.888.296.4232  
**[F]** 1.888.305.2432

The Texas Forensic Science Commission ("FSC") is legislatively mandated to require crime laboratories that conduct forensic analyses to report professional negligence or professional misconduct to the Commission. (See Tex. Code Crim. Proc. 38.01 as amended by Tex. S.B. 1238, 83rd Leg., R.S. (2013)).

Please keep in mind that the FSC investigates matters subject to its statutory authority only. The term "forensic analysis" includes any medical, chemical, toxicological, ballistic, or other examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action. The term does not include the portion of an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician. The term "crime laboratory" is defined in Article 38.35 of the Texas Code of Criminal Procedure to include "a public or private laboratory or other entity that conducts a forensic analysis subject to this article."

The FSC will examine the details of your disclosure to determine what level of review to perform, if any. All disclosures are taken seriously. Because of the complex nature and number of complaints and disclosures received by the FSC, we cannot give you any specific date by which that review may be completed. However, we aim to resolve all disclosures in a timely and expeditious manner, and to minimize disruption in the laboratory.

The Commission's statute allows it to withhold from disclosure information submitted in the context of an investigation but only until the final report is released. Upon release of the final report, all information provided to the Commission is subject to disclosure under the Texas Public Information Act ("PIA") (Texas Government Code Chapter 552).

**IMPORTANT:** If your disclosure involves a pending criminal matter(s), please be sure to indicate that on the form below because certain PIA exceptions may apply.

# TEXAS FORENSIC SCIENCE COMMISSION • LAB DISCLOSURE FORM (Cont.)

## 1. PERSON COMPLETING THIS FORM

Name: \_\_\_\_\_  
Laboratory: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Home Phone: \_\_\_\_\_  
Work Phone: \_\_\_\_\_  
Email Address (if any): \_\_\_\_\_

## 2. SUBJECT OF DISCLOSURE

List the full name, address of the laboratory, facility or individual that is the subject of this disclosure:

Individual/Laboratory: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Year Laboratory Accreditation Obtained: \_\_\_\_\_  
Name of National Accrediting Agency: \_\_\_\_\_  
Date of Examination, Analysis, or Report: \_\_\_\_\_  
Type of Forensic Analysis: \_\_\_\_\_  
Laboratory Case Number (if known): \_\_\_\_\_

Is the forensic analysis associated with any law enforcement investigation, prosecution or criminal litigation?

Yes \_\_\_\_\_ No \_\_\_\_\_

★ If you answered “Yes” above, provide the following information (if possible):

★ Name of Defendant: \_\_\_\_\_

★ Case Number/Cause Number:  
(if unknown, leave blank) \_\_\_\_\_

★ Nature of Case:  
(e.g. burglary, murder, etc.) \_\_\_\_\_

★ The county where case was investigated,  
prosecuted or filed: \_\_\_\_\_

★ The Court: \_\_\_\_\_

★ The Outcome of Case: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

★ Names of attorneys in case on both sides (if known): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 3. WITNESSES

Provide the following about any person with factual knowledge or expertise regarding the facts of the disclosure. Attach separate sheet(s), if necessary.

First Witness (if any): \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_  
Evening Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Second Witness (if any): \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_  
Evening Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Third Witness (if any): \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_  
Evening Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

#### 4. DESCRIPTION OF DISCLOSURE

Please write a brief statement of the event(s), acts or omissions that are the subject of the disclosure. See Page 6 of this form for guidance on what information should be disclosed to the Commission.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## 5. DESCRIPTION OF CORRECTIVE ACTION TAKEN

Please describe any corrective actions or corrective action plans the laboratory has developed to address the issues discussed in this disclosure. Please attach copies of the actions taken and/or future corrective plan to this disclosure form.

Please let the Commission know if any other agencies (e.g., Texas Rangers, local district attorney, Inspector General's Office, etc.) are also conducting an investigation of the matter in question. If possible, provide a contact name and phone number for the individual responsible for any other investigation(s).

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## 7. YOUR SIGNATURE AND VERIFICATION

Signature: \_\_\_\_\_  
Date Signed: \_\_\_\_\_

## GUIDELINES FOR LABORATORY SELF-DISCLOSURE

One of the Commission's statutory duties is to require crime laboratories that conduct forensic analyses to report professional negligence or professional misconduct. (See Tex. Code Crim. Proc. 38.01 as amended by Tex. S.B. 1238, 83rd Leg., R.S. (2013).

This document is designed to provide guidance to laboratories in determining whether they should disclose particular events to the Commission. Any questions regarding these guidelines should be directed to the Commission's general counsel at **512.936.0770**.

### SELF-DISCLOSURE CATEGORIES

**Probation:** If the national accrediting body responsible for accrediting your laboratory and/or the Department of Public Safety<sup>1</sup> notifies you that it intends to put your laboratory on probation, you should inform the Commission as soon as possible, but no later than five (5) business days from receiving notification from the accrediting body.

**Suspension of Accreditation:** If the national accrediting body responsible for accrediting your laboratory and/or the Department of Public Safety notifies you that it intends to suspend your laboratory's accreditation for any reason, you should inform the Commission as soon as possible, but no later than five (5) business days from receiving notification from the accrediting body.

**Nonconformances:** Laboratories shall disclose any nonconformance that may rise to the level of professional negligence or misconduct using this disclosure form. Forms may be submitted online: **<http://www.fsc.state.tx.us/webform/disclosure>**. The disclosure should be submitted to the Commission as soon as possible, but no later than thirty (30) days after discovery of the nonconformance in question. If the laboratory needs a longer period to assess the scope of the nonconformance and submit its disclosure, it should contact the Commission's general counsel with a request for additional time.

***If your self-disclosure involves a pending criminal case, or you believe that anyone involved in the disclosure may be the subject of criminal investigation, please alert the Commission when submitting your disclosure, as certain law enforcement exceptions to the Public Information Act may apply to the information submitted.***

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<sup>1</sup>DPS currently recognized the following accrediting bodies: (1) American Board of Forensic Toxicology (for accreditation of toxicology discipline only); (2) American Society of Crime Laboratory Directors, Laboratory Accreditation Board (recognized for accreditation of all disciplines that are eligible for accreditation); (3) Forensic Quality Services (recognized for accreditation of all disciplines that are eligible for accreditation); (4) Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (recognized for accreditation of toxicology discipline only in the sub-discipline of urine drug testing for all classes of drugs approved by the accrediting body); (5) College of American Pathologists (recognized for accreditation of toxicology discipline only; and (6) American Association for Laboratory Accreditation (recognized for accreditation of all disciplines that are eligible for accreditation).